



December 3, 2010

TO: Mayor and Members of Council
FROM: Rashad M. Young, City Manager *DMT*
SUBJECT: Items for Your Information

Contact Center Feedback

Attached are the weekly report generated by our Contact Center for the weeks of 11/15/10 – 11/21/10 and 11/22/10 – 11/28/10.

Council Retreat

The City Council and City Staff Retreat is scheduled for the evening of January 21 thru the afternoon of the 22nd, (time to be determined) and is being held at the Golf and Conference Center at Bryan Park. Staff is beginning to develop the agenda for this meeting and needs input from City Council on the agenda development. Are there any City Council members who would be willing to assist with the agenda preparation for the retreat? If so, please contact Betsey Richardson, City Clerk, at (336) 373-2397.

December 7, 2010 City Council Meeting

Attached is a PowerPoint presentation that the Piedmont Triad Partnership plans to give at Tuesday's City Council Meeting.

High Point Road / Lee Street Streetscape Update

Attached is a memorandum from Adam Fischer, Director of Transportation, dated November 22, 2010, providing an update from the August 27, 2010, IFYI, on the improvements along High Point Road and Lee Street corridors.

Speed Bump on Frazier Road

As a follow up to a request by Council at the November 16, 2010, City Council Meeting, attached is a memorandum from Adam Fischer, Director of Transportation, dated December 1, 2010, providing an overall evaluation for the test site of the speed cushions on Frazier Road.

NCLM Advocacy Goals Conference

North Carolina League of Municipalities Advocacy Goals Conference is being held at the Raleigh Convention Center, in Raleigh, NC, on January 20, 2011, from 9:30am – 5:00pm. Details and agenda are attached. Representatives from the Manager's Office and Legal Department are attending this conference. Council is encouraged to attend as well.

Development Service Center

At the Council Work Session on March 23, 2010, you received a briefing of the One Stop Development Service Center. The Development Service Center will be located on the UG Level of the Melvin Municipal Office Building (MMOB). The official opening of the Development Service Center will take place January 3, 2011. This Center will provide a centralized location whereby representatives from nearly every department involved in the plan review, permit and inspections process will be located. We believe such an all-in-one service center will provide builders with a more efficient way of doing business with the City. The integrated review process utilizes enhanced technology through a "smart board" which allows for electronic review, edit and approval of plans. The cost of the renovations to this area will be approximately \$67,000.

Staff moving to the Development Service Center will begin moving in next week. While they will begin working in this area and taking in clients immediately to test the process, the official opening will be in January. Tours will be conducted for City Council Members December 20 – 22. Council will receive information regarding scheduling a tour at the Council Meeting, December 7, 2010. As part of the overall changes to the Melvin Municipal Office Building, other moves are occurring in the MMOB building as well. The Purchasing Department and some members of the Finance Department will also move in to the UG Level of the MMOB by the end of December. The main entrance to the MMOB is being redefined to the entrance facing Washington Street, this unveiling will also take place January 3, 2011. Council will begin to see news media reports of the various activities in upcoming weeks. We will keep you informed as additional moves are scheduled.

Salary Adjustments

A majority of City Council Members directed City Manager Young not to go forward at this time with the 5% increase of control points and the resulting salary adjustments. This salary structure change will be discussed as part of the FY11-12 budget discussions.

While the City Manager has the authority to set salaries and compensation for the city administration, City Council sets policy. In this instance, a majority of City Council expressed a policy preference not to go forward with the control point moves.

Entertainment Licenses

Attached is a memorandum from Tom Carruthers, Assistant City Attorney, dated December 2, 2010 regarding the City's "Best Practices" study that they anticipate being completed in early 2011.

Resident Complaint on Text Amendment Hearing

At the November 9, 2010, City Council Meeting, Council denied the proposed change to the Land Development Ordinance (LDO) Text Amendment, which would increase the number of commercial vehicles for home occupations. Attached is a memorandum from Dick Hails, Director of Planning, detailing a complaint from Mr. Chris Knootz, who initiated this change in the ordinance. Dick Hails has been in discussions with Councilmember Kee related to this issue and has contacted Mr. Knootz to recommend that he come to the Council Meeting on Tuesday, December 7, 2010 and discuss his concern under Speakers from the Floor.

**Public Affairs Department
Contact Center Weekly Report
Week of 11/15/10 - 11/21/10**

Contact Center

4578 calls answered this week

Top 5 calls by area

Water Resources

Balance Inquiry – 1114
New Signup – 255
General Info – 147
Cutoff requests – 133
Cut-on/Same day – 94

Field Operations

Loose Leaf Guidelines – 210
Bulk Guidelines – 109
No Service/Garbage – 56
No Service/Recycling – 53
Repair Garbage Can - 51

All others

Police/Watch Operations – 319
Landfill/Transfer/HHW – 117
Courts/Sheriff - 82
Police Records – 67
Streetlights out - 53

Comments

We received a total of 5 comments this week:

Field Operations – 3 comments:

- Would like to suggest that the City provide a paper Shredding service or a location where residents can bring paper to be shredded. Says that the companies that come to your home are just too expensive and she is just overwhelmed with shredding at home. She is sure she is not alone in this.
- Feels there should be someone to address loose leaves raked into the street causing traffic problems and safety issues.
- Complaint that the leaf collection begins too early every year. The city is wasting money by sending personnel out when the leaves have not fallen.

Transportation – 1 comment:

- Requesting that the speed bumps NOT be removed from Frazier Rd. She states that she would not be able to get out of her driveway due to the speeding cars if they are removed. She asked that this message be passed to the City Council.

Water Resources – 1 comment:

- Ms. Lee wants management at the water department to consider giving customers that install a water saver toilet a rebate on the water bill. She states that saving water is just as important as installing energy saving windows.

Overall

The volume of calls was down this week, presumably, as residents prepare for the Thanksgiving Holiday. Loose-leaf calls increased significantly after the wind/rain on Tuesday, and we are getting an increased volume of calls reporting streetlights out.

**Public Affairs Department
Contact Center Weekly Report
Week of 11/22/10 - 11/28/10**

Contact Center

3064 calls answered this week

Top 5 calls by area

Water Resources

Balance Inquiry – 661
New Signup – 115
General Info – 103
Cutoff Requests – 69
Bill Extension – 53

Field Operations

Holiday Schedule – 186
Loose Leaf Guidelines – 184
Bulk Guidelines – 64
No Service/Garbage – 50
Dead Animal Pick-up – 38

All others

Police/Watch Operations – 207
Landfill/Transfer/HHW – 83
Courts/Sheriff - 37
Holidays/Openings/Closings - 33
Police Records – 27

Comments

We received a total of 6 comments this week:

Field Operations – 5 comments:

- States that no one in the neighborhood knew that leaves were being picked up so early. The City of Greensboro chooses the wrong time of year to pick up leaves and would like to see the leaf times re-evaluated. Should not start until after Thanksgiving.
- Caller wants the person in charge of the leaf schedule to tell people when their leaves will be picked up. Suggests dividing into quadrants and tell people when we will be in each quadrant. She said by the time we get to the leaves they have been out for weeks and begin to cause a safety problem.
- Caller stating that his area is always the first area to be picked up. Did not have very many leaves at first. Now that the loose leaf collection is over more leaves are falling. Next door neighbor has just bagged about 30 bags of leaves.
- Anonymous resident of Jefferson Rd. suggests we consider flipping the routes next year for loose leaf collection. She states that her street is always serviced on round one before leaves really fall and then they are all out in the street through the holidays waiting for round two. She indicated this creates problems for street parking during the holidays.
- Customer called Monday because we had missed the yard waste and he was concerned because he was having holiday visitors. He called to compliment and thank the city for the quick turnaround time on his request to have the yard waste picked up.

Water Resources – 1 comment:

- Caller states that he should not be paying another deposit and application fee. His services should be transferred without charge.

Overall

Calls about the holiday schedule for trash collection increased last week while calls about loose leaf collection remained steady. Call volume was down last week due to the City being closed in observance of the Thanksgiving Holiday.

The Piedmont Triad Aerotropolis

The East Coast Center for Global Logistics



Vision

The Piedmont Triad Aerotropolis is a **regional** economic development initiative to **create jobs and investment** in the Piedmont Triad and across the state of N.C. by (i) leveraging the region's world-class logistics competencies and assets, and (ii) positioning and branding the **Piedmont Triad as the Center for Global Logistics on the United States East Coast.**



Context for Aerotropolis Vision

- Piedmont Triad's legacy strengths as manufacturing, transportation and logistics center for companies manufacturing and distributing products to East Coast markets
- FedEx 1998 announcement selecting the Piedmont Triad for Mid-Atlantic hub positions the region as a potential Aerotropolis
- Other regional transportation assets (e.g. UPS and U.S. Postal Service distribution center, major transportation companies, 3PL's, distribution centers and other logistics companies)



Piedmont Triad Aerotropolis Key Assets

Location

- Midway Between NY and Florida;
Between Atlanta and Washington DC
- Over ½ of US Population Within 650 Miles
- 70% of US Population Within 2 Days By Truck
- Within 5 hours of 3 major US East Coast Ports

Infrastructure

- 5 Interstate Highways
- FedEx Mid-Atlantic Hub
- Major transportation/logistics companies (Old Dominion, FedEx Ground, UPS, USPS, New Breed, others)



Aerotropolis Key Assets, continued

Piedmont Triad Airports

- Piedmont Triad International Airport
- Smith Reynolds Airport
- Other Regional Airport Assets

Workforce

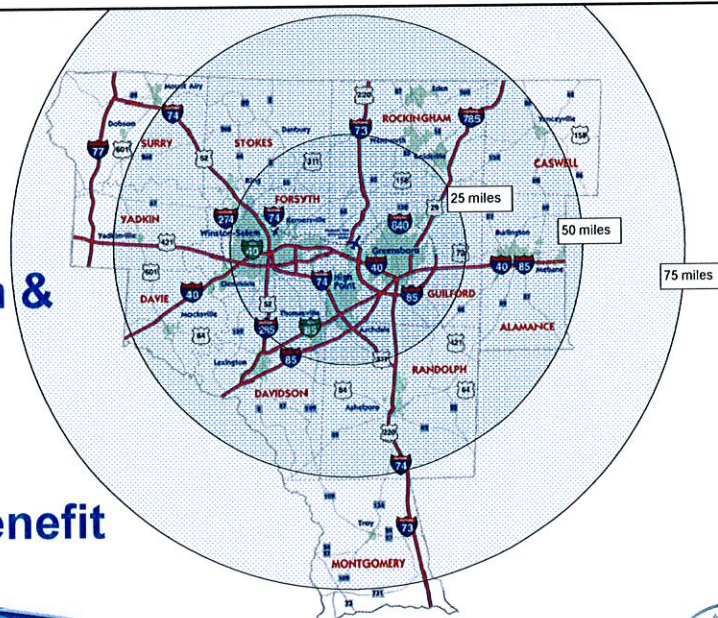
- Workforce of over 800,000
- Significant workforce experience in manufacturing, transportation, distribution, and logistics

Education

- Eleven 4-year colleges and universities
- 9 community colleges
- 17 Public School Systems
- Most College's have curricula and degree programs in complementary fields
- New Center for Global Logistics (consortium of 2-year and 4-year higher education institutions led by Guilford Technical Community College)



The
Entire
Region &
State
Will Benefit



Stakeholders Critical to Aerotropolis Success

- Elected officials (federal, state, and local)
- Land use and transportation planners and developers
- Economic development and Chambers of Commerce allies
- Educators
- Workforce Development Boards
- Service providers (e.g. financial, legal, real estate)
- Industry representatives (e.g. manufacturers, distributors, 3PL's, trucking, rail, port)
- General public
- Piedmont Triad airports (e.g. PTI, Smith Reynolds, Burlington, Lexington)
- Media
- Other Piedmont Triad cluster participants: advanced manufacturing, creative enterprises/arts, furnishings, health care



Piedmont Triad Aerotropolis Board

Marketing/Branding Committee

- Web Presence Design and Development
- Regional "Aerotropolis/Logistics Project" Name Branding
- Trade Show Capability Enhancement
- Intra-Regional Marketing
- Inter-Regional Marketing
- www.piedmonttriadaerotropolis.com

Piedmont Triad Aerotropolis Initiative

Building a Globally Competitive Region

Our goal is to become the premier global logistics center in the Southeast. We have developed a successful and focused collaboration effort with regional universities, economic developers, local, state and federal government, and the regional industry. With this the Piedmont Triad Aerotropolis is building a competitive regional and distribution center in the heart of North Carolina. This effort is called the "Piedmont Triad Aerotropolis Initiative".

Our strong partnerships with regional academic and logistics organizations including our regional airport system, a network of highways, proximity to major rail ports, Piedmont's world-class manufacturing and ground infrastructure, and the presence of major high-tech distribution companies in the region, give the Piedmont Triad the capabilities required to become the U.S. East Coast's premier logistics and distribution center. This goal formed North Carolina's 2010-2013 Legislative and Executive Plan for 2010-2013, and is a key priority for the region.

The Piedmont Triad's legacy strength in the manufacturing, logistics and transportation sectors gives us a unique opportunity to create a highly successful aerotropolis that will not only enhance the state of North Carolina, but also the region's business potential in the future.

Aerotropolis News

- Successful "Clusters of Opportunity" Fundraising Campaign Announced at PTP Annual Meeting**
PTP's Chief Executive Officer, Dr. King, who also chairs the Piedmont Triad Leadership Group, announced that the region's first "Clusters of Opportunity" fundraising campaign will be launched in the near future. The campaign will focus on raising funds for the region's first "Clusters of Opportunity" fund. Learn More.
- PTP to Participate in Global Supply Chain and Logistics Program**
As part of the PTP's ongoing efforts to enhance the region's logistics and transportation infrastructure, the Piedmont Triad Aerotropolis Initiative is launching a Global Supply Chain and Logistics Program. Learn More.
- Andes International opens high-tech distribution center in High Point, NC**
Andes International, a North Carolina-based logistics and transportation company, has announced that it has opened a new high-tech distribution center in High Point, NC. Learn More.

RSS Feeds

- PTP 2010-2013 Annual Meeting**
The Piedmont Triad Aerotropolis Initiative's 2010-2013 Annual Meeting will be held on Thursday, November 11, 2010, at the High Point Convention Center. Learn More.
- PTP 2010-2013 Annual Meeting**
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Piedmont Triad Aerotropolis Board

Regional Land Planning Coordination Committee

Mission

- Identify Needs for Adequate Transportation Infrastructure
- Industrial Zoning Supply/Needs Analysis Coordination
- Identify Locations for Possible Inland Port
- Promote Fast, Barrier Free Approval Zoning and Approval Processes
- Develop Implementation Strategies to Achieve the Above


Includes

- Aerotropolis Board Members
- Regional Municipal Land Planners
- Commercial Developer Representative
- UNCG Geographic Department Heads

Project

- Regional Land Mapping Project

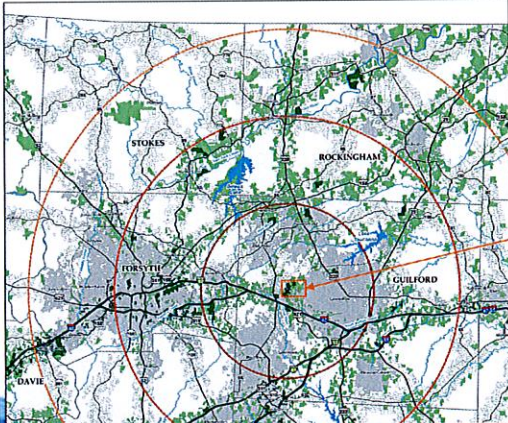


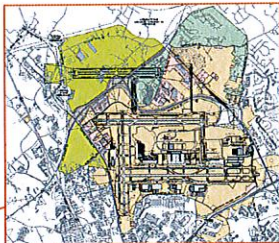


Piedmont Triad Aerotropolis Board


Regional Land Planning Coordination Committee

Regional Land Mapping Project





PTI Master Plan Phase 3



North Carolina Center for Global Logistics



Vision

- To be the premier global supply chain, logistics and transportation management resource center.

Mission

- Through a collaborative public/private partnership between institutions of higher education, industry, and economic development agencies, the NCCGL will provide; a state of the industry clearinghouse for inquiries, education, outreach and research

Information

- Housed on 100 Acre GTCC Logistics Campus
- 80,000 SF facility
- 250 Seat Auditorium
- Class Rooms
- 5000 SF Teaching Warehouse
- Administrative Offices
- Offices for Each Regional Educational Institution



The Piedmont Triad Aerotropolis

The East Coast Center for Global Logistics

In Conclusion...

...we are all going to be very busy



NORTH CAROLINA'S PIEDMONT TRIAD





November 22, 2010

TO: Rashad Young, City Manager

FROM: Adam Fischer, Director of Transportation

SUBJECT: High Point Road/Lee Street Streetscape Update

The following are action items that the Greensboro Department of Transportation has implemented towards improving the High Point Road and Lee Street corridors over the past two years:

- | | |
|---|--|
| 1. Placed "High Point Road/Lee Street Reinvestment Corridor" signs along High Point Road and West Lee Street. | Completed on 10/17/2008. Cost = \$2,262. |
| 2. Removed the reversible lane system from High Point Road. | Completed on 7/31/09 Cost = \$35,232. |
| 3. Conducted High Point Road and West Lee Street streetscape feasibility study / 25% design plans. | Completed on 7/20/10. Cost = \$278,303. |
| a. First public meeting – 8/20/09 | |
| b. Second Public meeting – 11/11/09 | |
| c. 25% Plans complete and presentation to Gateway Corridor Partnership – 7/20/10 | |

On October 5, 2010, City Council approved a resolution of support to transfer \$800,000 from the 2000 Transportation Bonds to the High Point Road/Lee Street Streetscape Project for the continuation of design. The Engineering and Inspections Department has completed negotiations with Kimley-Horn and Associates for final design and the contract is in route for City execution. The following is a schedule provided by the Engineering and Inspections Department for design and construction of the High Point Road Streetscape from the Koury Convention Center to the Greensboro Coliseum Complex:

1. Design – 16 months (12/1/10 to 4/1/12)
2. Property acquisition and utility relocations – 24 months (4/1/12 to 4/1/14)
3. Construction – 14 months (4/1/14 to 6/1/15)

Please advise if you need additional information.

AF



December 1, 2010

TO: Rashad M. Young, City Manager

FROM: Adam Fischer, PE, Director of Transportation

SUBJECT: Evaluation of Frazier Road Speed Cushions

GDOT completed the installation of a series of speed cushions along Frazier Road in April of this year. This location was a test site to help evaluate the effect of the speed cushions on traffic speed and volume.

Installation

The speed cushions were installed at four locations approximately 500' apart along Frazier Road between Glen Hollow Drive and Merritt Drive. Each location consisted of four rubberized speed cushions approximately 6.5 feet wide that were spaced out across the width of the street leaving a two to three foot gap between the devices. These rubberized speed cushions were selected to minimize the negative effects to emergency response vehicles. The cost for materials including the speed cushions was \$20,440. Including labor the total cost of the installation was \$26,357.

Effectiveness

Vehicle speed, travel time and volume studies were conducted before and after the installation of the speed cushions to determine the effectiveness of the devices. It is clear that the speed cushions were effective in reducing the overall speed and volume of traffic along the corridor, however some of this traffic was diverted onto smaller residential streets. There was a substantial reduction in both average and 85th percentile speeds along Frazier Road. The 85th percentile speed is the speed at or below which 85% of vehicles travel. Traffic Engineers traditionally use this measure in engineering studies to establish speed limits because 85 percent of drivers will select a safe speed based on site conditions. In addition, the overall traffic volume on Frazier Road was reduced by approximately 36% and the total travel time through this section almost doubled from 33 to 60 seconds. Initial feedback from Greensboro Fire also indicates that the design of the speed cushions should help to minimize delays and/or damage to their vehicles.

	Before	After	% Change
Posted Speed Limit (mph)	25	25	
85 th Percentile Speed (mph)	38	28	-26%
Average Travel Speed (mph)	32	18	-44%
Average Travel Time - Glen Hollow to Merritt (secs)	33	60	+82%
Volume (vehicles per day)	2402	1546	-36%

Public Response

GDOT utilized two methods to collect public feedback about the speed cushions. One method was the installation of signs along the roadway soliciting feedback via the Contact Center telephone number. The second method was a survey that we mailed to 785 nearby residents about the speed cushions. 204 surveys were returned and an additional 40 comments came in via the contact center. The mailed surveys asked citizens to rate the cushions' perceived effectiveness at reducing speed, traffic volumes, and increasing overall road safety on Frazier Road as well as soliciting general comments. The comment section of the survey showed several common themes. Some of the most common themes in order of frequency were:

- Speed cushions have reduced speeds and/or volumes
- There are too many speed cushions along Frazier Road
- Speed cushions are needed on other area streets
- Speed cushion installation has shifted traffic issues to other smaller area streets
- Speed cushions are unnecessary and/or need to be removed
- Speed cushions were a waste of taxpayer money
- I now avoid Frazier Road due to the speed cushions
- Speed cushions are damaging vehicles

The comments that were received via the contact center followed many of these themes and showed a 50/50 split in positive and negative comments. Of the mailed surveys that were returned, approximately 38 percent were classified as generally positive. Despite the generally negative comments, the majority of survey respondents felt that the cushions were effective in reducing speeds and volume.

Other Concerns

GDOT crews did a great job installing these devices, but it was not a trivial effort. Installation costs including labor represented approximately 28% of the overall cost of the project. While the devices are in theory portable, removal of the cushions will require substantial labor due to the number of bolts that are needed to anchor the cushions into the pavement.

While it is clear that the speed cushions were effective in reducing the speeds and total volume of traffic along Frazier Road, the impact to adjacent streets must also be considered. Before and after traffic studies were also conducted on Raintree Drive and Kipling Drive, two residential streets that run parallel to Frazier Road. It is apparent that some of the reduced volume on Frazier was redirected to these streets as they experienced a 66% and 34% increase in volume respectively. We have also had requests for multiway stops and additional speed limit signage in this area south of Frazier Road.

Recommendations

While there were some concerns about the spacing of the devices, it is our recommendation that the speed cushions remain in place as installed. Our research from other communities indicates this as the optimal spacing to ensure effective speed reduction. GDOT will continue to work with the neighborhood to help with their traffic concerns on Raintree and Kipling.

AF/cs

Attachments





City of Greensboro
North Carolina

Transportation

October 7, 2010

Dear Resident:

As you may know, the City of Greensboro installed speed cushions on Frazier Road in April as a traffic calming test area. Six months have now past and we would like to know what you think of them. Included with this letter is a postage paid postcard with a short survey related to the speed cushions. Please take a few minutes to fill it out and drop it in the mail to us. If you would rather, you may complete the survey online by visiting www.surveymonkey.com/s/fraziercushions. Your feedback is greatly appreciated and will help us in our ongoing endeavors to improve traffic safety in our city.

Sincerely,

Noland Tipton, EI
Safety Engineer



CITY OF GREENSBORO FRAZIER ROAD SPEED CUSHIONS SURVEY

1. What street do you live on? _____

2. How frequently do you drive Frazier Road between Merritt Drive and Glen Hollow Road?

☐ 6 or more times per week ☐ 1-5 times per week ☐ 1-5 times per month ☐ Almost never

3. Have you altered your normal travel route due to the speed cushions on Frazier Road? ☐ Yes ☐ No

4. How effective do you think the speed cushions have been at addressing the following concerns on Frazier Road?

	1 (No Effect)	2	3 (Moderately Effective)	4	5 (Very Effective)
VEHICLE SPEEDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VEHICLE VOLUME	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PEDESTRIAN/BICYCLE SAFETY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Do you feel the speed cushions have had any other positive or negative effects on the area?

If so please list: _____



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WWW.NCLM.ORG

November 19, 2010

NCLM Advocacy Goals Conference
Raleigh Convention Center - Raleigh
January 20, 2011, 9:30 a.m. - 5:00 p.m.

Your Advocacy Goals

In an effort to increase the opportunity for member input into the League's advocacy goals, your League Board of Directors changed our policy development process this year to provide an entire day for consideration and adoption of the Advocacy Agenda and the Core Municipal Principles. The biennial Advocacy Goals Conference will provide League members with the opportunity to thoroughly debate legislative issues and be directly involved in setting advocacy priorities. The result will be the 25 priority goals for the state's cities and towns.

In preparation for this conference, the following documents are enclosed:

- (1) A list of the 35 advocacy goal proposals recommended by the Board of Directors for consideration by the membership
- (2) The proposed Core Municipal Principles
- (3) A guide to the League's policy development process
- (4) A form for submitting additional goal proposals
- (5) The agenda for the Advocacy Goals Conference

Voting Delegates

The League Bylaws provide that each member municipality is entitled to one vote at the Advocacy Goals Conference. Each municipality sending delegates to the Advocacy Goals Conference may designate one voting delegate and also may designate one alternate voting delegate. This designation must be provided to League staff prior to the beginning of the Conference at 9:30 a.m. on January 20, 2011.

MANAGERS AND CLERKS - Municipalities that have pre-registered officials for the conference will receive a form to designate the municipality's voting and alternate voting delegate in advance. This will save time for voting delegates on January 20.

In order to facilitate vote counting over the course of the day, seating at the front of the room will be reserved for voting delegates. The room will be arranged so that other attendees from a municipality will have access to the voting delegate during the conference. Please bring a large delegation and become better informed about a range of important municipal legislative issues.

Voting delegates may pick up their voting cards at the Voting Credentials Desk located in the on-site conference registration area during registration hours from 8:00 a.m. – 11:00 a.m. on January 20, 2011.

Proposed 2011-2012 NCLM Advocacy Goals

In service and support of your citizens

***Goals are not currently prioritized. Prioritization will take place on January 20 after discussion, debate and narrowing of this list.**

Build Prosperous Cities and Towns

Seek legislation reforming annexation laws that ensures the ability of a city to grow in a reasonable manner, while providing quality municipal services on a timely basis.

- In 2009, NCLM advocated to reasonably reform the annexation laws by having a bill introduced. Late in the session, a referendum requirement was added to the bill, making it incompatible with NCLM annexation policy, which does not support a referendum provision because of the uncertainty and potential for inconsistent 'patchwork' growth such a law could create across North Carolina. The amended bill had no traction during the 2010 session.
- During the 2011-2012 biennium, NCLM will work to improve the annexation laws based on reasonable changes to address legitimate concerns.

Seek legislation enhancing the authority of cities to own and operate broadband systems for their citizens, and providing incentives for last mile public private partnerships.

- State law allows municipalities to operate "public enterprises" for services such as electric power, cable television and trash - areas where private companies historically have not always been willing to invest.
- In 2007, the City of Wilson's Greenlight became the first fiber to the premises (FTTP) system in the state, although there are many successful public systems across the country. The City of Salisbury is currently building a city-wide fiber-optic utility. Both offer wider bandwidth and much faster data transmission speeds than private sector systems even in the large cities.
- Since a 2005 appeals court ruling upheld the right of towns and cities to offer high-speed Internet to their residents under the public enterprise statutes, large cable and phone companies have been urging the General Assembly to impose a moratorium on local governments while the issue is studied further. Several detrimental bills have been stopped. Additional attempts are expected in the 2011-12 session.
- Some cities are interested in building high-speed broadband systems, sometimes with private sector partners, because local businesses need this 21st century technology as an economic development tool.

Seek legislation to allow municipal creation or extensions of extra-territorial jurisdictions (ETJ) without county approval.

- An ETJ is a defined area beyond a municipality's limits - usually 2-3 miles - in which a municipality may enforce certain aspects of its development regulations.
- In order to extend its municipal extraterritorial jurisdiction into an area where the county has adopted and is enforcing a zoning ordinance and subdivision regulations, and is enforcing the State Building Code, a municipality must request permission to extend its ETJ from the county.

- Cities utilize extraterritorial jurisdiction in order to control development standards in an area that will likely become part of the city in the future.

Seek legislation to allow municipalities to establish vacant housing receivership programs for the purpose of rehabilitating structures not meeting minimum housing standards and transferring them to responsible ownership.

- Current law allows a municipality only two options for addressing housing that is unfit for habitation: 1) repair a property owned by someone who has shown an inability or unwillingness to maintain it; or 2) demolish the property. A municipality does not have any way to keep the dwelling in service and ensure that it will be maintained in the future.
- Vacant property receivership allows a municipality to ask a court to turn over the property to a private receiver who would undertake the rehabilitation process and sell the property to buyers who have demonstrated an ability to maintain it. This is authorized in some other states.

Seek legislation to provide recurring funding for the Main Street Solutions program to allow more cities and towns to participate in the program and facilitate reuse of existing commercial buildings.

- Small towns with the most successful downtown development efforts tend to use community partnerships to implement a local vision of how the community's existing assets can be put to use through a comprehensive package of strategies and tools, rather than a piecemeal approach.
- The work of the Main Street Solutions program promotes this method of development through guidance, technical assistance, training, and grant funding. The Main Street program does not receive recurring annual funding for its grant programs, which limits the ability of small cities and towns to participate.

Seek legislation eliminating the ability of counties to disapprove municipal project development financing projects in which the county does not participate.

- State law gives counties the ability to prevent municipalities from undertaking projects utilizing project development financing, also known as Tax Increment Financing (TIF), even if the county has no involvement in the project under consideration and there would be no diminution of county property tax revenues below current levels.

Support amending the N.C. Rehabilitation Code to provide greater flexibility for renovation of buildings built prior to 1936.

- The North Carolina Rehabilitation Code requires that before work can begin on any restoration of an existing building, that building must first meet the Building Code from the year in which it was built.
- The first North Carolina Building Code went into effect in 1936. Buildings constructed before that time must meet the 1936 Building Code standards, which often is infeasible.
- Many underutilized buildings in downtown areas were built before 1936, and without additional flexibility in the Code it may not be economically feasible to put these buildings into productive use.

Seek legislation to allow for minimum building codes for commercial buildings, including condemnation.

- The legislature significantly reformed this part of the law, effective August 21, 2007.
- N.C.G.S. § 160A-439 outlines the minimum standards of maintenance, sanitation, and safety for nonresidential buildings or structures, including the investigation of a complaint, the granting of an order, and the authority of a city to act if a property owner fails to comply with an order to meet minimum building standards.
- Changes in the law were the result of a long negotiation process between the League and various stakeholders. There is interest among municipal officials to increase the existing minimum standards for maintenance, sanitation and safety to allow for additional remedial action by the municipality.

Seek legislation allowing municipalities to use revenue bonds to finance all projects that ultimately will be paid for through special assessments.

- Traditional special assessment authority requires municipalities to complete the project before special assessments are imposed, thus forcing them to front the money for the project before any additional revenues can be realized. Many states provide municipalities with the ability to use revenue bonds for all special assessment projects. Special assessments are a good way to pay for infrastructure projects that have a direct benefit to a defined set of property owners, such as downtown businesses benefitting from streetscape improvements.

Protect Citizens and Improve Quality of Life

Support a system of liquor sales that maintains a local referendum about the decision to sell liquor, preserves local control over the location and density of liquor outlets, and preserves the local revenue stream from liquor sales.

- The decision whether liquor is sold at retail within a municipality is made locally, not by the State. The goal supports continuation of this local authority.
- Cities and counties currently control the number and location of liquor stores in their communities through the local ABC board system, unlike beer and wine outlets. The goal supports continuation of this local authority.
- Cities and towns currently receive over \$23 million in revenue each year through distributions of liquor revenue derived from taxes and profits. The goal supports continuation of this local revenue stream.

Seek legislation to strengthen the role of municipalities in the approval, renewal, and revocation of ABC permits.

- Currently, N.C. cities complete a public input form as a part of the ABC Commission review of ABC permit applications. Local input is advisory only.
- Zoning and land use powers cannot be used under existing case law as a means to deny an ABC permit application.

Seek legislation to grant more flexible authority for local public safety officers to enforce ABC-related laws.

- The authority of local LEOs to participate in the enforcement of state ABC laws is limited. The authority to decide whether local law enforcement can play a part in ABC law enforcement rests in practice with local ABC Boards.

Support legislation permitting a governmental entity to seek an order of abatement where a property may have some legitimate use, but is also the source of regular criminal nuisance activity.

- Recent case law (*City of Salisbury v. Campbell*) requires that a city prove that the owner or tenant used the property solely for illegal activity in a nuisance action.
- This goal seeks to override the case law via statute, such that an order of abatement could be granted if criminal activity regularly occurs on the property, even if the property is used for "legitimate" purposes.

Seek legislation to protect the privacy of municipal residents by limiting public access to lists of email addresses submitted by citizens to municipalities.

- In 2010, a local bill restricted public access to email address lists compiled by Wake County and most of its municipalities so that the public could only inspect the lists, rather than receive a copy. Often requests are made by firms wishing to use the addresses for commercial solicitation, which can make citizens unwilling to share their address. The legislation also restricted the use of the lists by the governments to the purpose for which the email address was submitted. This legislation represented a compromise between the governments involved and open government interests in the state, and so could serve as the basis for statewide legislation.

Enhance the Fiscal Health of Municipalities

Seek legislation to: 1) require that counties conduct a public hearing before approving a resolution choosing the method of sales tax distribution; 2) delay the implementation of a change in method until July 1 of the calendar year following the adoption of the change; and 3) phase in the change in method over four years.

- Currently, 49 counties use a sales tax distribution method that provides them with less money than the alternative method. Any of these counties can change its method of sales tax distribution in April, with the change taking effect on July 1 of the same calendar year.
- Requiring a hearing on the change, delaying its effective date, and phasing in its effects would discourage counties from changing methods to improve their fiscal situation, while providing municipalities time to prepare for a detrimental change.

Support legislation to expand the sales tax base to include services.

- North Carolina taxes only a few services, and most states with a sales tax include more services within their tax base.
- Expanding the sales tax to include services would create a more general consumption tax that would not favor some businesses over others.
- Expansion of the base could raise revenues without a rate increase, and possibly lead to a rate decrease as the economy improves.

Seek legislation to revise the local land transfer tax so that: 1) it can be adopted without a referendum; and 2) municipalities receive a share of the revenues.

- The land transfer tax must be approved by a referendum in each county that seeks to impose it. Since receiving the authority to impose the tax, 23 counties have submitted the tax to a referendum, all of which have failed to gain approval. Eliminating the referendum requirement would place the decision to levy the tax in the hands of county commissioners. Requiring that the proceeds be shared with municipalities could increase support of the tax from municipal residents. We are open to legislation restricting the proceeds to capital facilities only.

Seek legislation to allow all municipalities to adopt a prepared meals and beverage tax.

- Currently four counties (Cumberland, Dare, Mecklenburg, and Wake) and the Town of Hillsborough have the authority to levy a 1 percent prepared meals and beverage tax. The tax applies to meals served in restaurants, delivered to homes, or purchased on site and carried out. The tax raises over \$30 million in these jurisdictions alone.
- If all municipalities imposed the tax, it would raise over \$100 million in revenue statewide. These revenues would be available for any public purpose and could be used to fund essential public facilities, public safety, economic development, transportation, and other pressing needs, which would be an especially beneficial tool for communities in the current difficult economy.

Seek legislation to allow all municipalities to adopt impact fees to pay for growth-related infrastructure and services.

- Impact fees are one-time public charges applied to new construction that are levied by local governments to pay for the off-site costs associated with the new development. These fees are needed to ensure that developers pay for the full public costs that development imposes on communities. Several studies have shown the local public sector costs of development exceed the local tax revenues derived from the development. A limited number of units have this authority under local acts from the 1980s.

Support legislation to reform the municipal business privilege license tax by: 1) eliminating exemptions and caps for specific categories of businesses; 2) specifying the appropriate bases for the tax; 3) requiring municipalities to adopt a rate schedule that applies to all types of businesses within a municipality; 4) limiting the amount of taxes paid by businesses that have business activity within a municipality but no business location within it; and 5) capping the amount of tax that can be imposed on any single business location.

- Concerns about the complexity of the privilege tax have led to calls for its elimination. Elimination of the tax could be seen as a way to provide tax relief to businesses without affecting state revenues.
- The privilege tax provides cities and towns with approximately \$50 million of general purpose revenue each year. It is one of the few taxes, other than the property tax, that municipal governments have the authority to levy.
- There is room for reasonable reform without eliminating a revenue source that is significant for many municipalities.

Support legislation providing municipalities with the authority to impose a fee to recover the costs of vehicle accident and fire response from at-fault drivers and parties responsible for fires, up to a statutory maximum amount.

- Although police response and fire response services are financed through property and sales taxes because the public services generally benefit all citizens, those who do call for service benefit more from the service.
- The fee would allow for some recovery of the cost of service from those who cause it to be needed, many of whom do not pay property or sales taxes that go to the municipality.

Make Wise Use of Natural Resources

Support legislation to establish a bottle deposit program to further develop recycling markets and to decrease the presence of recyclables in the waste stream.

- Bottle deposit programs generally require the purchaser of glass and plastic bottles to deposit a certain amount of money per bottle with the retailer, which is then redeemed upon the return of the bottles to the retailer.
- Eleven states have enacted such laws in the United States.
- Redemption rates are 85-95%, with unclaimed deposits generally retained by state government and/or bottling companies.

Seek legislation creating a state bond program for upgrades to water and wastewater treatment systems, expansion of stormwater programs, and assured water supplies.

- In 1998, voters approved \$300 million in State-issued bonds to provide loans and grants to local government units for water and wastewater capital projects.
- A new bond program is needed in order for cities and towns to maintain and improve their water and wastewater facilities, with lower interest rates and issuance costs on loans than the municipality could get on its own.

Support legislative and regulatory efforts for efficiencies in water, wastewater, and stormwater permitting processes.

- New water and wastewater facilities require timely permit decisions in order to meet operational needs. Municipalities have seen unnecessary delays in permit issuances, creating unwarranted financial hardships.

Support the equal application of water quality management rules that impact cities to N.C. municipalities, counties, state agencies, and private operations, and require payment of city stormwater fees by all state agencies.

- Water quality management techniques include (a) further treatment of wastewater; (b) restrictions on land application of biosolids; (c) stormwater management; (d) development regulations such as stream buffers; and (e) restoration of wetlands and streams.
- Some municipalities, counties, and state agencies do not comply equally with these types of water quality management techniques, particularly stormwater management.
- Private operations such as agriculture do not comply with these rules to the same extent as municipalities.

- Some state agencies do not willingly pay municipal stormwater fees, although their facilities generate significant stormwater volume.

Support legislation increasing funding and incentives for detecting and repairing leaking public water supply systems.

- Applications to repair leaking lines receive priority points under the common criteria (GS 159G-23(3) d.) and the rules for the Drinking Water SRF provide eligibility for projects that install or replace distribution or transmission pipe to prevent contamination.
- Cities and towns support clarification that repair of leaking lines (consistent with the imperative provided in the drought bill) is considered a state funding priority.
- This is a supply-side management strategy that can be employed by the water system owner to enhance the efficiency of operations.

Seek legislation to classify reclaimed water as a resource water, and study the injection of treated water into aquifers.

- Reclaimed water is defined by N.C. state statute as highly treated wastewater effluent, meeting specified standards, and used for beneficial reuse. Communities across the country reuse this water in many ways, including irrigation, street cleaning, fire-fighting training, toilet and urinal flushing, stream augmentation, and wetland reconstruction. Use of reclaimed water has grown more important as water resources have become scarce.
- North Carolina's classification of reclaimed water as a wastewater runs counter to the example set by leading states for reclaimed water use, like California and Florida. Instead, North Carolina's classification limits the uses of reclaimed water to a narrow set of uses, primarily irrigation and wetland augmentation.
- Re-classifying reclaimed water as a resource would remove a barrier to expanded use of reclaimed water.

Support legislation establishing a water permitting system that protects existing municipal withdrawals, allows for future growth, includes all withdrawers, and accounts for all downstream users.

- Currently, municipal water withdrawals receive a permit that is not regulatory in nature.
- A conversation has begun at the state level advancing the idea that all water use in the state should receive a permit regulating the amount of water withdrawn. This conversation comes as Georgia responds to a lawsuit that would shut off Atlanta's withdrawals from Lake Lanier, a move that would create a massive water shortage in the Atlanta metro region.

Support legislation to ensure proper disposal of excess pharmaceuticals, to include education regarding handling and disposal.

- There is a debate about whether the disposal of excess pharmaceuticals in wastewater systems is harmful to the environment and public health. Scientists are seeing these substances in greater concentrations in rivers from treatment plants, and groundwater sources from septic systems.

- Nonetheless, some states and localities have passed laws requiring or authorizing “take back” programs at law enforcement offices, waste disposal facilities and pharmacies.

Support legislation to increase funding for alternative vehicle public fleets, alternative fuel refueling stations, electrified truck stops or electric vehicle recharging stations, and state and federal programs to retrofit on- and off-road diesel engine vehicles, engines, and equipment.

- On- and off-road diesel engines are a significant contributor to air emissions. These engines often do not meet the same emissions reduction standards of other engines.
- Many communities promote retrofits of these engines as one method to reduce emissions and achieve compliance with air quality standards.

Improve Our Transportation Infrastructure

Seek legislation ensuring significant municipal decision-making authority and respect for local ordinances in the design of transportation projects across all NCDOT Divisions, to lower congestion, enhance quality of life, improve aesthetics, improve public safety, and bolster public health for city residents, regardless of the city's financial participation in a project.

- Many communities believe their actual needs are not given adequate consideration by NCDOT during project development.
- Some have come to believe that the only way their voice is ever heard is if the city participates financially in the project, which is not always possible.
- Cities believe that a more uniform approach to partnering with cities on transportation projects would be helpful. Some NCDOT Divisions actively engage with cities in designing transportation projects, while some do not take advantage of partnership opportunities.

Support legislation to increase funding for the State Mobility Fund in order to support regional congestion mitigation projects, interstate maintenance, and a Powell Bill supplement; and to provide additional funding sources for State transportation projects.

- Although the Mobility Fund will receive over \$170 million over the next four years, all of this funding is expected to go to the Yadkin River Bridge project. Additional revenue for the Fund is needed in order for urban congestion relief projects to receive funding. In addition, a Powell Bill supplement would help all municipalities address a growing backlog of municipal transportation maintenance needs.
- Additional funding sources for State transportation projects would alleviate the pressure to reduce existing Powell Bill funds in order to provide support for State projects.

Seek legislation to allow the second \$5 vehicle transportation fee, currently available only for public transportation, to be used for pedestrian and bicycle projects.

- All municipalities may levy a \$5 fee on each vehicle within their corporate limits. For some municipalities, local legislation has increased this amount.
- In addition, each municipality that operates a public transportation system may levy a \$5 fee to be used for public transportation funding.

- This second \$5 fee is not a funding option for towns that are too small or widely dispersed to operate a viable public transportation system. These towns still may have mobility issues that could be addressed with additional funding.

Seek legislation to allow Powell Bill funds to be used for sidewalks that are adjacent to, but not located within, the right-of-way of State-maintained roads.

- NCDOT does not allow the use of Powell Bill funds for sidewalk projects along State-maintained roads unless the sidewalk lies within the DOT right-of-way.
- In some circumstances, the best route for a sidewalk may be near, but not within, the DOT right-of-way, especially if the route is on land owned by a municipality.

Continue to monitor and report on any legislative study committees looking to modify the Equity Formula.

- NCLM staff will complete this function regardless of this goal.

Policy Development Process

The policy development process leading up to the Advocacy Goals Conference began in February 2010, when the League's Executive Committee met with the chairs of the Legislative Action Committees to identify key policy areas on which the League should focus its attention over the next 3-5 years.

March – May	Legislative Action Committees (LACs) met to identify impediments to municipal success, receive information about possible legislative solutions, and identify goals to implement those solutions.
June – August	The League solicited member input about possible advocacy goals.
September – October	The LACs met to consider the proposals submitted by members and those identified during the spring. The LACs adopted a total of 77 proposed goals for consideration by the Board of Directors.
October	The Board of Directors reduced the LAC list to 35 advocacy goals for submission to the membership for consideration. At that meeting, the Board also approved the attached Core Municipal Principles for submission to the membership. Only one change in the Principles was recommended: a clarification of the League's policy on the consistent application of ethics requirements across levels of government.

Opportunity to Submit Additional Goals

In addition to the 35 goals submitted by the Board, the Advocacy Goals Conference may consider other proposed goals submitted by the membership. A form for submitting additional goals is enclosed. Proposals must be submitted by an elected official, but do not need to be submitted by the voting delegate or receive approval of the governing body of the elected official's municipality.

Proposals received in the League office by **January 14** will go through a screening process in order to be considered at the Advocacy Goals Conference. At a meeting on January 19, the Board will review the additional proposals received from the membership and determine which proposals to submit to the Conference. At the Conference, the additional proposals submitted by the Board must receive the approval of three-fourths of the member municipalities present and voting in order to be considered among the goals at the Conference. Once approved for consideration, they may be approved for inclusion in the Advocacy Agenda by the same majority vote process as the original 35 goals included with this package.

Long-Term NCLM Policy Development

(Even-numbered years)

Source of Ideas

LAC Visioning
January-October

NCLM Members
June-August

Narrow Down Ideas

LACs vote on proposals
September-October

- Debate
- Reject/Add
- Amend

Recommend Ideas

Board recommends legislative goals proposals

Annual Conference (mid-October)

- Debate
- Reject/Add
- Amend

Member review
December-January

Finalize Ideas

***First Conference January
2011*

Advocacy Goals Conference

(January, odd-numbered years)

- Entire membership considers proposals
- Debate
- Reject/Add
- Amend
- Adopt

Advocacy Goal Submission Form

In addition to the 35 goals that have come through the complete policy development process, additional goals are eligible for consideration by the Board and voting delegates at the conference. A form for submitting additional goals is enclosed. Proposals must be submitted by an elected official.

Proposals for additional goals will be presented to the Board of Directors, which will determine whether the goal should be considered at the Advocacy Goals Conference. If you wish to submit an additional goal for consideration at the Conference, please return this form to the address, fax number, or email below:

Karl Knapp
Director of Research and Policy Analysis
NCLM
P.O. Box 3069
Raleigh, NC 27603

Fax: (919) 301-1109
Email: kknapp@nclm.org

Proposals must be received in the League office by January 14, 2011.

PROPOSED GOAL

The League will seek/support* legislation to _____

EXPLANATION

Please explain the intent of the goal and why the League should adopt it:

* Please circle either seek or support to indicate whether you wish the League to actively seek legislation to implement this goal, or merely to support legislation if it is offered by others.

Name: _____

Title: _____

Municipality: _____

Email: _____ Phone: _____

Advocacy Goals Conference Agenda

The 35 goals submitted by the Board, plus any additional member-submitted goals that have been approved for consideration at the conference, will be reduced during the conference to the 25 goals on the League's Advocacy Agenda for 2011-12. The 25 goals will be selected through a process of debate, amendment, voting, and ranking of goals, as set forth in the following schedule:

9:30-9:45	Welcome and Introductions
9:45-10:50	Staff explanation of proposed goals
10:50-11:05	Break
11:05-11:15	Vote on whether to consider member-submitted goal proposals
11:15-11:55	Goal Setting: Build Prosperous Cities and Towns
12:00-1:00	Lunch (Key legislative leaders invited to speak)
1:15-1:55	Goal Setting: Protect Citizens and Improve Our Quality of Life
1:55-2:35	Goal Setting: Enhance the Fiscal Health of Municipalities
2:35-3:15	Goal Setting: Make Wise Use of Natural Resources
3:15-4:00	Goal Setting: Improve our Transportation Infrastructure
4:00-4:15	Break
4:15-5:00	Final goal prioritization
	Adoption of Core Municipal Principles
	Adoption of Advocacy Agenda

Staff Explanation of Proposed Goals

League Staff will briefly describe each of the goals, including the additional member-submitted goals that are under consideration, and will explain the rationale for each goal. If time permits, staff will answer questions about the goals. Questions also may be asked of staff during the Goal Setting sessions.

Vote on Whether to Consider Member-Submitted Goal Proposals (11:05-11:15)

All member-submitted goal proposals that have been approved for consideration by the Board will be placed before the membership as a group. The delegates will vote whether to include the group of new proposals among those under consideration for the remainder of the conference. The Chair will ask if there are any goals that a voting delegate wishes to displace and vote on separately from the rest of the group. The goals that are not displaced will be voted on as a block for further consideration at the conference. Following that vote, goals that were displaced will be voted on individually to determine whether they should receive further consideration at the conference. At this stage of the process, $\frac{3}{4}$ of the voting delegates present and voting

must approve the goal in order for it to continue to be considered at the conference. Motions and seconds may only be made by voting delegates.

Goal Setting (11:15-4:15)

During the Goal Setting sessions, all attendees will be given the opportunity to express support or opposition for the proposed goals in the category. All attendees may ask questions or debate the merits of proposed goals, but only voting delegates may offer amendments to any of the goals. Additional goals may not be offered. The President will determine whether an amendment is germane to the goal that it seeks to amend or is actually a new goal. Voting delegates may make a motion and second to remove a goal from further consideration. A simple majority of those voting delegates present and voting is required to amend a goal or remove it from further consideration. If a goal is not removed at this stage of the process, the goal moves forward to be part of the Final Goal Prioritization.

Final Goal Prioritization (4:15-4:35)

Upon completion of the Goal Setting sessions, if more than 25 goals remain, the voting delegates will use a ranking process to narrow the remaining goals to the 25 that will ultimately be approved. Staff will tally the results while the delegates consider the adoption of the Core Municipal Principles.

Adoption of the Core Municipal Principles (4:35-4:50)

The Core Municipal Principles represent the bedrock policy statements that will guide the overall advocacy process and decisions. They generally are statements of fundamental municipal policy that the League members believe should guide the General Assembly in making decisions that affect our municipalities. The delegates will be asked to approve the Principles in whole, as submitted by the Board. Amendments may be offered and seconded by any attendee, but only voting delegates may vote. During the adoption of the Principles, any attendee may ask questions or debate the merits of the Principles or an amendment.

Adoption of the Advocacy Agenda (4:50-5:00)

After staff tallies the results of the goal prioritization, the 25 goals receiving the most votes will then be placed before the membership as a group for a final vote of approval by the voting delegates. No amendments will be allowed at this point in the process.

City Attorney
City of Greensboro



December 2, 2010

TO: Rashad M. Young, City Manager

FROM: Thomas D. Carruthers, Assistant City Attorney

SUBJECT: Entertainment Licenses

At present the City of Greensboro utilizes the authority granted under Chapter 160A, Cities and Towns, Article 9, Taxation, to assess Privilege License Taxes on all businesses that operate within the City. North Carolina General Statute, 160A-211 provides this right. The right to tax is separate from the right to regulate. The right of regulation is commonly referred to as the “police power” of the municipality. This power is granted to the City through Article 8, Delegation and Exercise of the General Police Power. N.C.G.S. 160A-194, Regulating and Licensing Business, Trades, etc., states:

A city may by ordinance, subject to the general law of the State, regulate and license occupations, businesses, trades, professions, and forms of amusement or entertainment and prohibit those that may be inimical to the public health, welfare, safety, order, or convenience.

In addition, 160A-175, Enforcement of Ordinances, provides:

(a) A city shall have power to impose fines and penalties for violation of its ordinances, and may secure injunctions and abatement orders to further insure compliance with its ordinances as provided by this section.

(e) An ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the General Court of Justice shall have jurisdiction to issue such orders.

These broad powers provide the City clear authority to adopt reasonable and necessary regulations. Utilization of this authority is now appropriate given the growth of the entertainment industry in the City of Greensboro. The City’s “nightlife” is now drawing people in greater numbers than ever seen before. They consist of the residents of Greensboro, the large student body attending school here and the population of the surrounding region that come into our City to enjoy the atmosphere and amenities.

The City is now beginning its process of adopting new and sweeping authority over the entertainment industry inside the City. The managers are now soliciting and welcoming input from all stakeholders and residents of Greensboro. Police Chief Ken Miller is authorizing a

regional “Best Practices” study to learn how other communities regulate their entertainment industry.

A survey of other North Carolina Cities’ Ordinances reveal no consistent method of regulation. Charlotte requires “dancehall” locations to obtain an annual permit. These permits only apply to establishments or events that do not fall under statewide ABC permit authority. This typically includes “teen night” clubs and “raves.” It prohibits alcohol and drug violations and breaches of the peace. Violation of the Ordinance provides the City the right to revoke the permit and close the establishment within 20 days of notice of the violation. The business may appeal this revocation to the City Manager and then appeal to the Superior Court.

Raleigh requires all businesses that utilize “amplified entertainment” to obtain an annual permit. It prohibits inappropriate levels of sound, alcohol and drug violations, and acts of violence on the premises or in the parking areas of the business. It sets out a four step level of fines from \$500.00 to \$5,000.00 dollars and allows revocation of the permit for one year following the fourth violation within 12 months. The Raleigh Ordinance also requires the employment of off duty law enforcement or licensed security guards in the parking areas of business with a demonstrated problem with violence, drug or alcohol issues.

Greenville does not require licensing, but does require all bouncers and security to undergo background checks and proper training by the Greenville Police Department.

It is anticipated the “Best Practices” study will be completed in January 2011. Staff will prepare a proposed Ordinance and brief Council in a timely fashion regarding this public safety issue.

TDC

cc: Becky Jo Peterson-Buie, Interim City Attorney
Bob Morgan, Deputy City Manager
Andrew Scott, Assistant City Manager
Denise Turner, Assistant City Manager
Michael Speedling, Assistant City Manager
Ken Miller, Chief of Police



December 2, 2010

TO: Rashad M. Young, City Manager
FROM: Dick Hails, Planning Director
SUBJECT: Citizen Complaint on Text Amendment Hearing

I received a complaint from Mr. Chris Koontz yesterday about his not knowing that the public hearing on a development ordinance text amendment that he had initiated had been heard and turned down by City Council on November 9. He did not attend the public hearing on this date. He has asked if City Council would consider a new public hearing on the matter, to allow him to present his side of the issue.

In May of this year, we received a citizen complaint that a neighbor had commercial vehicles parked at his house, which impacted on-street parking for other neighbors. Upon investigation, we found that Mr. Koontz, at 1407 Spry Street, was running his Carolina Limousine service from his home and had two limousines kept at the house. This is a violation of the home occupation regulations in the LDO (Sec. 30-8-11.5), which states that "One commercial vehicle up to 30 feet in length may be kept on-site in conjunction with the home occupation."

Accordingly, we issued Mr. Koontz a Notice of Violation (NOV) for having a second business vehicle at his home. Subsequently, we also issued him a \$50 citation on July 14.

After the citation, Mr. Koontz expressed concerns that he thought the home occupation limits on commercial vehicles at home occupations were too strict, and he discussed with staff how to initiate an ordinance text amendment to allow a second commercial vehicle, with the second vehicle being an automobile only and kept behind the front of the residence. On October 7, staff had a meeting with Mr. Koontz to review the amendment language and to explain that a text amendment process involved two hearings at both the Planning Board and City Council and that Council always made the final decision on the amendment. Staff also told him at this meeting the specific dates of the two upcoming public hearings on this matter, on October 20 for Planning Board and November 9 for City Council. Mr. Koontz acknowledged the dates of the two meetings.

At the October 20 Planning Board meeting, Mr. Koontz spoke at the hearing in favor of the amendment. After the hearing was closed, the Board recommended approval of the amendment 5-0, and suggested a one-year sunset clause, to review the impact of the change.

Staff proceeded to carry the matter as planned to the November 9 City Council meeting, where a public hearing was held on the matter. Two speakers spoke against the amendment (Ms. Laura Jackson and Mr. Howard Gold) and council members reported receiving numerous additional emails in opposition to the request. Mr. Koontz was not present for and did not speak at the hearing. After the hearing, City Council turned down the amendment change by a vote of 7-2.

Zoning enforcement staff recently visited the Spry Street location and found that Mr. Koontz still had two commercial vehicles at his home. Accordingly, staff issued a citation for the violation. Mr. Koontz then called staff, protested the citation, and indicated his belief that the action taken by the Planning Board on October 20 had approved the amendment for one year and that the City Council hearing on the matter had been cancelled. We reiterated that we had proceeded with the November 9 Council hearing as we had informed him at our meeting on October 7 and that Council had denied the amendment.

Mr. Koontz has requested that the public hearing on this item be reopened, to allow him to present his arguments in favor of the amendment. Two options Council has to accommodate his request to be heard on this matter would be to let him speak as a speaker from the floor to address Council on this matter on December 7. Also, if Council chose on December 7 (the last date on which this could occur), it could consider a motion for reconsideration of its denial action on the amendment at its November 9 meeting. Such a motion would have to be made by a Council Member voting with the prevailing side at the November 9 meeting. If such a motion were passed, staff would set a new public hearing on the matter for January 4, 2011.

Please contact me if you need further information on this matter.

DH